

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY
AT THE TIME OF FILMING. IF AND WHEN A
BETTER COPY CAN BE OBTAINED, A NEW FICHE
WILL BE ISSUED.

JAN 16 PAGE 9

No. 97-6749

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

IN RE
LORENZO ARTEAGA - PETITIONER

VS.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USCA9, et al.

2ND THIRD

SECOND SUPPLEMENTAL TO
PETITION FOR WRIT OF HABEAS CORPUS

— UNITED STATES COURT ORDERS —
FILED DECEMBER 17, 1997

LORENZO ARTEAGA

4001 KING AVENUE / E-66703
P.O. BOX 8800

CORCORAN, CA 93212

Supreme Court, U.S.

FILED

DEC 17 1997

CLERK

RECEIVED

DEC 17 1997

OFFICE OF THE CLERK
SUPREME COURT, U.S.

22 PP

STATEMENT OF THE CASE

THE STATEMENT OF THE CASE IS SET FORTH IN THE SUPPLEMENTAL TO PETITION FOR WRIT OF HABEAS CORPUS DATED NOVEMBER 30, 1997 ON FILE WITH THIS HONORABLE COURT.

THE FOLLOWING APPENDICES WERE NOT AVAILABLE UNTIL DELIVERED LAST NIGHT (DECEMBER 8, 1997), TO-WIT:

INDEX TO APPENDICES

- APPENDIX A U.S. SUPREME COURT No. 96-9513
LORENZO ARTEAGA v. CALIFORNIA (12/1/97)
- APPENDIX B U.S. SUPREME COURT No. 97-5677
LORENZO ARTEAGA v. UNITED STATES COURT
OF APPEALS FOR THE NINTH CIRCUIT (12/1/97)
- APPENDIX C U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT
OF CALIFORNIA Nos. C-94-1575 FMS,
C-94-3046 FMS, C-94-4466 FMS,
C-95-0064 FMS
LORENZO ARTEAGA v. PETE WILSON, et al.
FILED 12/2/97
- APPENDIX D U.S. DISTRICT COURT FOR THE EASTERN DISTRICT
OF CALIFORNIA No. CIV-S-97-1728 GEBGGHP
LORENZO ARTEAGA v. PETE WILSON, et al.
FILED 12/2/97
- APPENDIX E PETE WILSON AND CALIFORNIA DEPARTMENT
OF CORRECTIONS CORRESPONDENCE
DATED 11/6/97 (CAUSE AND CONTINUING
PREJUDICE). F.R.A.P. R-47(a)(1), (a)(2), ...
- APPENDIX F SAME DATED 5/17/96
- APPENDIX G SAME DATED 8/28/95
- APPENDIX H PETITION FOR WRIT OF MANDAMUS/PROHIBITION AND
HABEAS CORPUS FILED IN USDC N CA#C-94/575 et al.
ALSO FILED WITH A-314 PET. FOR RELIEF/RE: PENDING
RE USCA9 #'s 96-16222, 96-16223 ON PET. FOR WRIT OF CERT.
- APPENDIX I NOTICE OF APPEAL (CRIME 18 et al.) C-94-1575 et al.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

December 1, 1997

Mr. Lorenzo Arteaga
E-66703, A3-2061
P.O. Box 1030
Soledad, CA 93960

Re: Lorenzo Arteaga
v. California
No. 96-9513

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The motion of petitioner for reconsideration of the order
denying leave to proceed in forma pauperis is denied.

Sincerely,

William K. Suter

William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

December 1, 1997

Mr. Lorenzo Arteaga
E-66703
P.O. Box 1030
Soledad, CA 93960

Re: Lorenzo Arteaga
v. United States Court of Appeals for the Ninth
Circuit
No. 97-5677

Dear Mr. Arteaga:

The Court today entered the following order in the above
entitled case:

The petition for rehearing is denied.

Sincerely,

William K. Suter
William K. Suter, Clerk

FILED

DEC 2 1997

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA,

Plaintiff,

vs.

PETE WILSON, et al.,

Defendants.

Nos. C 94-1575 FMS
C 94-3046 FMS
C 94-4466 FMS
C 95-0064 FMS

ORDER DENYING
PETITION FOR WRIT
OF MANDAMUS/
PROHIBITION AND
HABEAS CORPUS;
DENYING MOTION TO
RECONSIDER OR
ALTERNATIVE MOTION
TO VACATE ORDERS;
DENYING PETITION
FOR WRIT OF ERROR
CORAM NOBIS; AND
DENYING MOTION FOR
TRANSCRIPTS AT
GOVERNMENT EXPENSE

The Court has received plaintiff's "Petition for Writ of Mandamus/Prohibition and Habeas Corpus" filed November 6, 1997, plaintiff's "Motion to Reconsider or Alternative Motion to Vacate orders/Judgments of Dismissal," filed November 10, 1997, plaintiff's "Petition for Writ of Error Coram Nobis," filed November 18, 1997, and plaintiff's "Motion For Transcripts at Government Expense," filed November 20, 1997. These papers relate to four cases: C94-3046, C94-1575, C94-4466 and C95-0064. Those cases were dismissed with prejudice in October 1995, November 1995, and May 1996; appeals in each case have been

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PARTIES OF RECORD

1 dismissed by the Ninth Circuit.

2 Plaintiff's November 6 Petition for Writ of Mandamus,
3 which requests various forms of substantive relief, is DENIED as
4 an improper attempt to litigate a closed case.

5 The Court DENIES plaintiff's November 20 motion for
6 transcripts at government expense. An identical motion was
7 denied on October 23, 1997. Plaintiff has not provided any new
8 reason why those transcripts should be provided at government
9 expense.

10 Finally, plaintiff has requested a writ of coram nobis.
11 Because that writ was abolished and replaced by Federal Rule of
12 Civil Procedure 60(b), the Court construes plaintiff's November
13 18 petition as a motion under Rule 60(b). Plaintiff's motion
14 describes difficulties he had obtaining litigation materials in
15 prison in 1992. The Court does not believe those difficulties to
16 be sufficient reason for relief from the judgment, as plaintiff
17 was aware of those facts before the judgment issued. The motion
18 is therefore DENIED. The Court also DENIES as frivolous
19 plaintiff's November 10 Motion to reconsider or vacate the
20 judgment's in each of his four cases. Plaintiff cites to his
21 recent filings as evidence that the cases are not moot.
22 Plaintiff, however, cannot reopen dismissed cases simply by
23 filing new motions. Any further filings in these cases will
24 therefore be stricken.

25 IT IS SO ORDERED

26 1531 ORIGINAL SIGNED
FERN M. SMITH
UNITED STATES DISTRICT JUDGE

27 DATE DEC. 2, 1997

United States District Court
for the
Eastern District of California
December 2, 1997

mp

* * CERTIFICATE OF SERVICE * *

2:97-cv-01728

Arteaga

v.

Wilson

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on December 2, 1997, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Lorenzo Arteaga
E-66703
CSP-4
Corcoran State Prison
PO Box 8800
Corcoran, CA 93212

SF/GEB

VC/GGH

US District Court
Northern Districe
PO Box 36060
San Francisco CA 94102
(court file, certified cy of docket sheet)

Jack L. Wagner, Clerk

BY: M. Rice
Deputy Clerk

FILED

DEC 02 1997

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA

Plaintiff,

No. CIV 597-1728 GEB GGH P

vs.

PETE WILSON, et al.

Defendants.

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis. In light of 1996 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's request to proceed in forma pauperis.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought." 28 U.S.C. § 1391(b).

///

Venue of this action is technically appropriate in the Eastern District of California because the Governor of California, the Attorney General, and the Director of the California Department of Corrections reside in this district. Nevertheless, the court is transferring this action to the Northern District of California pursuant to 28 U.S.C. § 1404(a) in the interests of justice for the following reasons:

It is clear that plaintiff is suing Pete Wilson, Daniel Lunsden and Thomas Maddock solely in a representative capacity. As such, these defendants are likely to be dismissed from this 42 U.S.C. § 1983 action. Fayle v. Stapley, 607 F.2d 852, 862 (9th Cir. 1979). Venue would then be improper in this district because the remaining defendants reside in the Northern District of California. Venue would also be improper in the Eastern District because the claims for which plaintiff seeks relief took place in the Northern District. Thus, it is appropriate that these claims be litigated in that district.

IT IS THEREFORE ORDERED that:

1. This court has not ruled on plaintiff's request to proceed in forma pauperis, and
2. This action is transferred to the Northern District of California.

DATED November 26, 1997.

/s/ ORIGINAL SIGNED
GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

GGH:jv:mg
Arteaga, Zlc

DEPARTMENT OF CORRECTIONS
P.O. Box 942883
Sacramento, CA 94283-0001



November 6, 1997

Inmate Lorenzo Arteaga
E-66703
California State Prison Corcoran
4001 King Avenue
Corcoran, CA 93212

Dear Inmate Arteaga:

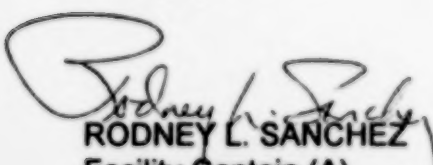
The Director has asked me to respond to your correspondence.

Your correspondence includes a complaint filed in federal court relative to an allegation of civil rights violation at the California State Prison Corcoran.

Please be assured that we are sensitive to your concerns; however, as you have chosen to file a lawsuit, these matters are no longer within the purview of the Department of Corrections. Therefore, you are advised to forward all correspondence in this matter to the Office of the Attorney General.

I hope this information is of assistance to you.

Sincerely,


RODNEY L. SANCHEZ
Facility Captain (A)
Institution Services Unit

DEPARTMENT OF CORRECTIONS

P.O. Box 942883
Sacramento, CA 94283-0001



May 17, 1996

Mr. Lorenzo Arteaga
E66703 3B 106L
California Correctional Institution, Level IV-B
P.O. Box 1905
Tehachapi, CA 93581

Dear Mr. Arteaga:

Your recent letters addressed to the Director of the California Department of Corrections (CDC) and the CDC Legal Processing Unit (LPU) have been referred to me for reply.

It is the responsibility of the LPU to bring to the attention of the court any irregularity in sentencing and/or the recording of a sentence on various commitment documents. In your case, your Abstract of Judgment indicated that Count 7 was sentenced consecutively as a one-third consecutive nonviolent crime. Penal Code (PC) Section 667.5(c) defines PC Section 288(a) as a violent felony; therefore, when completing the Abstract of Judgment the "one-third consecutive violent" box is the appropriate area on the Abstract of Judgment to be completed when imposing a one-third consecutive sentence on a violent offense.

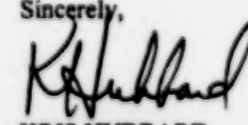
The second issue you raised is your belief that you are serving a five-year consecutive term for the same case you served during 1990. This is not true. You were received by CDC on August 28, 1990 as a result of Santa Clara County Case Number 138120. On June 27, 1992 you were placed on parole status, but you were retained in custody as a result of your parole being revoked by the Board of Prison Terms for your refusal to sign parole conditions. You were released on parole on August 6, 1992 (when you were picked up on a warrant by Half Moon Bay Police Department).

You were subsequently received by CDC on March 28, 1994 as a result of a new term from Santa Clara County, Case Number 161396. This is the ten-year term you are currently serving. Your previous commitment (Santa Clara County Case Number 138120) was discharged when the maximum discharge date was reached. As you can see, you are now serving a separate term than that which you served beginning in 1990.

Your third issue relates to the amount of credit awarded on your term. According to the legal documents received you were awarded 476 actual days credit plus 238 days conduct credit for time served prior to sentencing. Penal Code Section 2900.5(d) states in part "It shall be the duty of the court imposing sentence to determine the date or dates of any admission to and release from custody prior to sentencing, and the total number of days to be credited pursuant to this section" Therefore, if you believe that you are entitled to additional presentence credit you must write directly to the sentencing court.

I hope this information is of assistance to you. Any further questions you may have regarding your case should be directed to the Correctional Case Records Manager of your current institution. If an issue cannot be resolved to your satisfaction, you are encouraged to utilize the Inmate Appeal Process via CDC Form 602, as your administrative remedy.

Sincerely,


KRIS HUBBARD
Correctional Case Records Administrator

DEPARTMENT OF CORRECTIONS

Legal Processing Unit
 P.O. Box 942883
 Sacramento, CA 94283-0001
 (916) 324-0848

August 28, 1995

Honorable Gregory H. Ward
 Judge of the Superior Court
 County of Santa Clara
 115 Terraine Street
 San Jose, CA 95110

Re: Arteaga, Lorenzo
 CDC No.: E66703
 Case No.: 161396
 Date of Sentence: March 24, 1994

Dear Judge Ward:

A review of the documents delivered with the above-named inmate indicates the Abstract of Judgment may be in error, or incomplete, for the following reasons:

The Abstract of Judgment reflects Count 7, PC288(a), with a one-third consecutive non-violent box checked. As this is a violent offense, pursuant to PC667.5(c), we have recorded this offense as one-third consecutive violent. If this is not the Court's intent, please advise this office.

Please review your file to determine if a correction is required.

Sincerely,

DELORIS PASCHAL
 Correctional Case Records Manager

Karen L. Huffman

By: KAREN L. HUFFMAN
 Correctional Case Records Specialist

Attachment

cc: District Attorney
 Public Defender/Defense Counsel
 Inmate
 C-File

CCTUB

64-1082
Salisbury
 PETE WILSON Governor



MAILED 10-1-95

4A ATTACHED
 AS APPROPRIATE
 F-1 TO
 R13 STAMPED
 "RCV" 1
 10-6-97
 U.S. SCT 2
 MAIL BACK 3
 V.A. 4
 B16 "V" 5
 SUB 6
 11-23-97

LORENZO ARTEAGA
 UNIT IV-B E-66703
 P.O. BOX 1402-B 9800
 Tehachapi, CA 93584
 CORCORAN 93212

Pro se : Title 28 USCS section 1654

COPY FILED
 NOV 6 1 18 PM '97
 RICHARD W. WICKMAN
 U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIF.

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA, NO. CV-94-1575 FMS
 PLAINTIFF/APPELLANT/PETITIONER
 VS. RELATED BY MARCH 1995 ORDER:
 CV-94-4466 FMS, CV-95-0064 FMS
 AND CV 94-3046 FMS
 PETITION FOR WRIT OF
 MANDAMUS / PROHIBITION AND
 HABEAS CORPUS
 (EXCEPTIONAL CIRCUMSTANCES) RULES 13.4, 14,
 RULES 12.4 AND 20.4(a) U.S. SCT
 28 USC §§ 1331, 1343, 1443, 1367,
 1654, 2241-2254, 2255
 BRADEN v. JUDICIAL CIRCUIT OF KENTUCKY
 35 LE2d 443 (1973)
 LOBOW v. ZIMMERMAN BRUSH CO. (1982) — U.S. —
 GRETZ v. HELMAN 773 F.2d 1026, 1025 (9th Cir.)
 KYLES v. WHITLEY (1955) 115 S.Ct. — U.S. —
 SHANNON v. CALIFORNIA 17 LE2d 705 (1967)
 LINDH v. MURPHY 117 S.Ct. 2055 (1997)

1. Petitioner is LORENZO ARTEAGA APPELLANT/PETITIONER ON WRIT OF CERTIORARI
 WHOSE LEGAL RECORDS HAVE BEEN DEUBERATELY REMOVED / CONVERTED BY OVERT
 ACTS OF ATTEMPTED MURDER, MAYHEM, BEATINGS, SPOLIUM AND SPOLIATION TO FORCE
 PROCEDURAL AND SUBSTANTIVE DEFAULTS IN VIOLATION OF LAW; UNDER COLOR OF AUTHORITY;
 2. The Real Party in interest ARE THE PEOPLE

3. Respondent is/are THOMAS MADDOCK, CURRENT DIRECTOR, CDC;
DANIEL E. LUNGBREN, ATTORNEY GENERAL OF CALIFORNIA, PETE WILSON, GOVERNOR;
GEORGE M. GALAZA, WARDEN, CORCORAN STATE PRISON, SUCCESSORS/SUBORDINATES;
 4. Respondent has a clear, present, and ministerial duty to abide by

and adhere to the exercise of sound discretion governed by legal rules to do
 justice according to the law in conducting hearings, receiving evidence and to
 issue rulings consistent with the law governing the subject matter of this petition.

5. Respondent has failed and/or refused to exercise sound discretion as follows:

a). On or about JULY 16, 1997 (EXHIBIT A REALIEGED & INCORPORATED
SEE ATTACHED COMPLAINT C 97-2622 FMS)
petitioner did present before respondent a motion entitled CIVIL RIGHTS
COMPLAINT ... DEMANDING, INTER ALIA, RETURN AND ACCESS TO HIS LEGAL PROPERTY/RECORDS

b) On or about 7-29-97, 9-15-97 TO AND INCLUDING 11-3-97
respondent did deny petitioner's motion despite facts brought before the court and the state of existing law both of which support granting petitioner's motion;

6. Petitioner is a person beneficially interested in this petition and petitioner, respondent and real party in interest are the parties who will be affected by this petition;

7. Petitioner has no other adequate remedy in the ordinary course of law other than by this petition in that there is no other procedure to require respondent to use discretion governed by legal rules to do justice according to the mandate of law and the constitution or to otherwise entitle petitioner to enjoy the benefits sought through this petition;

8. Petitioner has performed all conditions precedent to the filing of this petition by having first exhausted all available remedies;

9. At all times mentioned herein respondent has been able to adhere to and follow the mandate of law which govern the within subject matter. Notwithstanding such ability and despite petitioner's demands as stated herein, respondent continues to fail or refuse to order relief petitioner seeks.

WHEREFORE, petitioner requests:

1. That the court issue an alternative writ of mandate commanding respondent TO INSTANTLY PROVIDE PETITIONER TO ACCESS AND INVENTORY OF ALL OF HIS LEGAL AND PERSONAL PROPERTY AND RECORDS, COURT ORDERS, TRANSCRIPTS, AND LEGAL MATERIALS WITHOUT MISDIRECTION, ARTIFICE OR SHAM AND TO ALLOW HIM TO SELECT AND RETAIN SUCH LEGAL RECORDS AND MATERIALS HE HAD IN HIS CELL FOR HIS PENDING DIRECT APPEAL BEFORE SUCH RECORDS WERE REMOVED BY FRAUD ON MAY 22, 1997, AND TO CEASE AND REFRAIN FROM FURTHER OVERT ACTS OF VIOLENCE, UNREASONABLE INTERFERENCE/ObSTRUCTION OF ACCESS TO THE COURTS, AND PROVIDE IMMEDIATE UNRESTRICTED ACCESS TO THE COURTS, ACCESS TO AVAILABLE PRISON LAW LIBRARY AND COPYING OF LEGAL DOCUMENTS FOR CORRESPONDENCE WITH THE COURTS, AND ACCESS TO AVAILABLE TYPEWRITER TO ALLOW

COMPLIANCE WITH EXISTING RULES OF STATE AND FEDERAL COURT, INCLUDING

RULES 13, 14 AND 34, RULES OF THE SUPREME COURT, 28 USC § 1654, 15c, 1

54c, 64c AND 144c AMENDMENTS, U.S. CONSTITUTION;

or to show cause before this court, at a time specified by court order, why he has not done so and why a peremptory writ should not issue;

2. That on return of the alternative writ of mandate and the hearing on this petition, this court issue a peremptory writ of mandate commanding respondent TO PROVIDE MR. SE LITIGANT REASONABLE ACCESS TO THE COURTS WITHOUT THREATS, VIOLENCE OR INTIMIDATION AND REPRISAL FOR EXERCISING CONSTITUTIONALLY PROTECTED RIGHT TO REDRESS AND ACCESS COURTS AND RELEASE FROM ILLEGAL UNCONSTITUTIONAL IMPRISONMENT;

3. FOR ALL COSTS AND DAMAGES AGAINST RESPONDENTS AND IN FAVOR OF PETITIONER

4. For such other and further relief as the court deems just and proper.

Respectfully submitted,

Dated: NOVEMBER 4, 1997 Luz Arteaga 1551
LORENZO ARTEAGA, Petitioner

VERIFICATION

I have read the foregoing and know the contents therein and the same is true and correct of my own personal knowledge.

If called upon I could and I would competently testify.

Executed this 4th day of NOVEMBER, 1997
CORCORAN CALIFORNIA
at Kern County, California. Luz Arteaga 1551
LORENZO ARTEAGA

AUTHORITIES:

FARETTA V. CALIFORNIA (1975) — U.S. —

LANDROBE V. U.S. FILM PRODUCTS 511 U.S. 244, 275 n. 29 (1994)

TITLE 28 USC § 1654

PUB L 100-352, § 7, 102 Stat 662 (1988)

BOJ.E V. COLUMBIA 12 Fed 2d 894 (1964)

U.S. v. MUNSING WEAR 340 U.S. 36, 39, (1950)

28 USC §§ 1331, 1332, 1343, 1443, 1446, 1446(c), 2201, 2241-2254,

2255, 1257(a)

1 LORENZO ARTEAGA
2 E-66703
3 4001 KING AVENUE
4 CORCORAN, CA 93212
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA
Plaintiff,

vs.

PETE WILSON, CALIFORNIA
DEPARTMENT OF CORRECTIONS,
DANIEL E. LUNDGREN, et al.,
Defendants.

USCA9 No. 92-15341 (6/11/92)
ALSO: U.S. SCt A-314 (9616222/3)
ALSO RELATED CASES PREJUDICED
AND/OR EFFECTED:
U.S. SUPREME COURT NOS.:
96-9513, 96-9113, 97-6749,
97-5677, 96-9196, 96-9197,
96-9328, 96-9329, 96-9309,
AND PENDING 9th Cir. # 97-16705

TO ALL PARTIES OF RECORD:
NOTICE IS HEREBY GIVEN

THAT PLAINTIFF, LORENZO ARTEAGA
HEREBY APPEALS FROM THE ORDERS FILED INDIVIDUALLY, JOINTLY AND/OR
SEVERALLY IN THE ABOVE-ENTITLED AND NUMBERED CASES TO THE
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT TO BE
CONSOLIDATED WITH PENDING USCA9 No. 97-16705 entitled:
LORENZO ARTEAGA v. DANIEL E. LUNDGREN, et al. LODGED OR FILED
10/27/97 AND EQUALLY IMPEDED, HINDERED, IMPAIRED, DELAYED OR
OBSTRUCTED AS THESE HABEAS CORPUS ISSUES SINCE C 50-20326 RFP
(C5790), C 91-2534 RFP (2/91) AND USCA9 No 92-15341 (6/11/92), AND
SO APPEALS FROM THE 12/2/97 ORDERS AND FROM THE WHOLE THEREOF.

DATED: DECEMBER 8, 1997

No. C-94-1575 FMS, C-94-3046 FMS
C-94-4466-FMS, C-95-0064 FMS

NOTICE OF APPEAL TO THE
UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT OF ORDERS FILED
DECEMBER 8, 1997 DENYING HABEAS
CORPUS, CDRAM NOBIS, RECONSIDER-
ATION AND INJUNCTIVE RELIEF

U.S. v. MUNSINGWEAR 340 U.S. 36, 39 (1950)
U.S. v. TAYLOR 648 F.2d 565 (9th Cir 1981)
PORTMAN v. CO. OF SANTA CLARA 995 F.2d 898
9th Cir 1993) BRETZ v. KELMAN 773 F.2d 1026,
1035 (9th Cir 1985) (en banc), LANDGRAF v.
US 1 FILM PRODUCTS 511 U.S. 244, 275 n. 29,
(1994), UNDAH v. MURPHY 117 S.Ct 2059
(1997), PUB L100-352, § 7, 102 Stat 662 (1988)
28 USC § 1331, 1332, 1343, 1367, 1443,
42 USC § 1983, 1985(2)(3), 1986
F.R.A.P. R-47(a)(1), 47(a)(2), F.R.Evid. R 201 et al.
CUSTIS v. U.S. 114 S.Ct 1732 (1994)
GARLOTTE v. FORDICE 115 S.Ct 1948 (1995)

155/ Lorenzo Arteaga
LORENZO ARTEAGA

No. 97-6749

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1996

IN RE
LORENZO ARTEAGA — PETITIONER

VS.
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USCA9, et al.

THIRD SUPPLEMENTAL TO
PETITION FOR WRIT OF HABEAS CORPUS
— NOTICE OF APPEAL DATED 10/2/97 —
NOT ADDRESSED OR PROCESSED BY USCA9
AND GOVERNOR PETE WILSON'S RESPONSE
LORENZO ARTEAGA

4001 KING AVENUE / E-66703
P.O. BOX 8800

CORCORAN, CA 93212

RECEIVED
DEC 17 1997
OFFICE OF THE CLERK
SUPREME COURT, U.S.

STATEMENT OF THE CASE

THE STATEMENT OF THE CASE IS SET FORTH IN THE SUPPLEMENTAL TO PETITION FOR WRIT OF HABEAS CORPUS DATED NOVEMBER 30, 1997 ON FILE WITH THIS HONORABLE COURT. AND IN THE BRIEF MAILED 10/26/97 TO UNITED STATES COURT OF Appeals For the Ninth Circuit DOCKET NO. 97-16705, entitled: LORENZO ARTEAGA v. DANIEL E. LUNDEREN, et al., which may or may not have been filed, due to Respondents acts, misteference, under color of Authority cited in Petition and Brief and in the related Appendices.

The following APPENDICES support Petitioner's Petition for Writ of Habeas Corpus containing intervening matter not avail- at the previous APPENDICES, TD-WIT:

INDEX TO APPENDICES

APPENDIX A USCAS No. 95-80113, D.C. #CV-97-20665RMW FILED NOV. 19, 1997 THE ONLY COPY PROVIDED HAS BEEN MAILED TO THIS COURT C. 11-22-97 AS A SEPARATE PETITION FOR WRIT OF CERTIORARI JUDICIAL NOTICE OF ORIGINAL COPIES REQUESTED

APPENDIX B NOTICE OF APPEAL DATED OCT. 2, 1997

APPENDIX C GOVERNOR PETE WILSON, OF CALIFORNIA REPLY LETTER DATED NOVEMBER 24, 1997

FILED

UNITED STATES COURT OF APPEALS NOV 19 1997

FOR THE NINTH CIRCUIT

CATHY A. CARTERSON, CLERK
U.S. COURT OF APPEALS

In re LORENZO ARTEAGA

Respondent

No. 95-80113

DC# CV 97-20665-RMW
Northern California
(San Jose)

ORDER

Before: HUG, Chief Judge, PREGERSON and BEEZER, Circuit Judges

This court has reviewed the notice of appeal and accompanying documents filed October 1, 1997 in the above referenced district court docket pursuant to the pre-filing review order entered in this docket. Because this court lacks jurisdiction over the appeal, it shall not be permitted to proceed.

A certified copy of this order served on the district court shall act as and for the mandate of this court.

No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entertained in this closed docket.

PSMcCal 11/18/97/sg
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LORENZO ARTEAGA
EGG703; 48-1R-2SL
4001 KING AVENUE
CORCORAN, CA 93212

PRO SE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LORENZO ARTEAGA,
PLAINTIFF

VS.

DANIEL E. LUNDGREN, et al.,
Defendants.

NO. C. 97-20665 RMW (PR) AND
ORIGINAL NO. C97-2622 FMS (PR) 1
NOTICE OF APPEAL OF MISDIRECTION (L
ORDERS FILED SEPTEMBER 23, 1997
AND RENEWED (SECOND) NOTICE OF
APPEAL OF MISDIRECTION "REASSIGNMENT
ORDER "ENTERED IN COMPUTER 7.29.97"
DATED 7.30.97 TO THE USCA9 AND
NOTICE OF LIS PENDENS RELATED PROCEEDINGS
USCA9 NOS. 96-16222, 96-16223 AND 97-16705

NOTICE IS HEREBY GIVEN

THAT PLAINTIFF, LORENZO ARTEAGA, HEREBY APPEALS THE ORDERS
AND OPINIONS FILED SEPTEMBER 23, 1997, JULY 29 AND JULY 30, 1997, IN
THE ABOVE-ENTITLED AND NUMBERED ORIGINAL AND "REASSIGNED" ACTION TO THE
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT BASED
ON THE FACT THAT PLAINTIFF DID DULY AND TIMELY TO THE BEST
OF HIS ABILITY APPRISE THE COURT THAT DEFENDANTS WERE AND
CONTINUE TO OBSTRUCT, THWART, IMPEDE, HINDER, DELAY AND DELIBERATELY
PREJUDICE HIS CIVIL, STATUTORY AND CONSTITUTIONAL RIGHT OF ACCESS TO
THE COURTS OF THE UNITED STATES BY DELIBERATE FRAUD, DECEIT,
MISDIRECTION, ARTIFICE, SHAM, CONCEALMENT OF MATERIAL FACT, SPOOLIUM,
SPOILIATION, REFUSAL TO COPY OR MAIL HIS LEGAL DOCUMENTS OR MAIL HIS COURT
REQUIRED IN FORMA PAUPERIS APPLICATION AND CERTIFICATE* AND/OR REFUSING
TO PROCESS SAID LEGAL DOCUMENTS OR TIMELY RETURN OR PROVIDE
THEM TO PLAINTIFF TO HAVE DELIBERATELY FORCED PROCEDURAL AND
SUBSTANTIVE DEFAULTS IN PENDING LITIGATION BY CONSPIRACY AND OVERT
ACTS IN EXTENSION OF CONSPIRACY IN THIS ACTION AND OTHERS, ALL

* AS OBTAINED INITIAL DEFAULTS IN USCA9 NOS. 95-15723, 95-15724 ARISING
OUT OF C93-20240 RMW, C93-20745 RMW, C93-20134 RMW BY SAME FRAUD-
ULENT CONSPIRATORIAL ACTS AND MODUS OPERANDI AND IN C90-20326 RFP,
C90-20257 RFP, C91-0594 RFP, C92-2534 RFP, C91-2524, C92-2524 RFP, et seq. et al.
AND USCA9 NOS. 96-15075, 95-15076, 96-16222, 96-16223

OFFICE OF THE CLERK
U.S. COURT OF APPEALS
97 OCT -6 FILED
NOV -3 1997

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

TO PLAINTIFF'S ACTUAL INJURY AND CONTINUING CONSTITUTIONAL
AND FEDERAL STATUTORY IRREPARABLE PREJUDICE AND INJURY. 28 USC
§1654; 1st, 4th, 5th, 6th, 8th, 13th, and 14th AMENDMENTS, U.S. CONSTITUTION;
INCLUDING OVERT ACTS OF ATTEMPTED MURDER, MAYHEM, AGGRAVATED ASSAULTS
AND BATTERY, THREATS AND INTIMIDATION OF WITNESSES IN VIOLATION OF 18 USC
§31509, 1572, 1513, 1701, 1702, 1703, 241-242, 373, VIOLATION OF 42 USC
§§ 1986, 1985, 1985(2), 1985(3), 1983, BRETZ v. KELMAN 773 F.2d 1026
1035 (9th Cir. 1985) (en banc) AND "RIPE FOR REVIEW" POSTMAN v. COUNTY OF SAKALUPO
995 F.2d 898 (9th Cir. 1993), U.S. v. MUNSINGWEAR 340 U.S. 36, 39 (1950), CHAPMAN v.
CALIFORNIA 17 LED 705 (1947), BOVIE v. COLUMBIA 12 (4th Cir. 1954), ROBERTAS v.
U.S. 116 S.Ct. 1657 (1996), ART. I, §9, cl. 2, cl. 3, ART. I, NO. ART. III, ART. III, §2, ART. III,
§2, U.S. CONSTITUTION PUBLIC LAW 100-352, §7, 102 Stat. 662 (1988), SODEN v. JUDICIAL
CL. KY. 35 LED 443 (1993), LINDH v. MURPHY 117 S.Ct. 2059 (1997), LANDOFF v. USI, U.S. 244, 275,
n. 21

PLAINTIFF HAS BEEN UNABLE TO COMPLY WITH THE ORDERS OF THIS OR
OTHER COURTS BECAUSE DEFENDANTS HAVE DELIBERATELY REMOVED HIS LEGAL
LIS PENDENS RECORDS HE NEEDED TO COMPLY WITH RULES OF COURT AND/OR COURT
ORDERS AND REFUSED TO RETURN HIS NECESSARY LEGAL RECORDS DESPITE
NUMEROUS VERBAL AND WRITTEN DEMANDS THEREFOR, ALL IN VIOLATION OF THE CIVIL
AND CONSTITUTION OF THE UNITED STATES, AS MORE FULLY RELATED AND/OR
EVIDENCED BY THE FOLLOWING PENDING/PREJUDICED UNITED STATES SUPREME
COURT DOCKETS ON DIRECT APPEAL (INCLUDING HABEAS CORPUS) (RULES 12.4 and 20.4(c))
INCORPORATED HERETIN IN FULL JUDICIAL NOTICE, T O W I T:

1. LORENZO ARTEAGA v. USCA9 No. 97-5677	8. LORENZO ARTEAGA v. CALIFORNIA No. 96-9147
2. LORENZO ARTEAGA v. CALIFORNIA No. 96-9573	9. LORENZO ARTEAGA v. USCA9 No. 96-8700
3. LORENZO ARTEAGA v. USCA9 No. 96-9113	10. LORENZO ARTEAGA v. DEN HILL, Warden No. 96-8141
4. LORENZO ARTEAGA v. CALIFORNIA No. 96-9328	11. LORENZO ARTEAGA v. CALIFORNIA (CA9L) No. 96-8146
5. LORENZO ARTEAGA v. CALIFORNIA No. 96-9329	12. LORENZO ARTEAGA v. SUPERIOR COURT OF No. 96- [CASE NO. 5059401] (4-16-98)
6. LORENZO ARTEAGA v. CALIFORNIA No. 96-9309	13. LORENZO ARTEAGA v. DANIEL E. LUNDGREN, et al. No. 96- [USCA9 NOS. 96-16222, 96-16223]
7. LORENZO ARTEAGA v. SANTA CRUZ No. 96-9196	14. LORENZO ARTEAGA v. SUPERIOR COURT OF NOS. 96-8288 AND 96-8289

MOREOVER, THE FACTS RELATED BY THE COURT ARE AGAIN INTENTLY
FALSE OR UNTRUE AND ARE AGAIN INTENDED TO DISTORT OR TO CORRUPT THE
PROCESS OF LAW AND CAUSE FURTHER ACTUAL INJURY AND IRREPARABLE CONSTITUTIONAL
INJURIES ABOVE REFERENCED. SEE ALSO USCA9 No. 97-16705 FILED SEPT. 15, 1997
AND CONSOLIDATION IS APPROPRIATE.
DATED: OCTOBER 2nd 1997 1531 Lm ASD

X AND USCA9 NOS. 95-15723, 95-15724, 95-20113, LORENZO ARTEAGA
95-15076, 95-15075, 95-15411 OBTAINED BY SIMILAR FRAUDULENT MISDIRECTION/MISREPRESENTATION
DEFAULTS OBTAINED BY SAME MODUS OPERANDI

DEPARTMENT OF CORRECTIONS**P. O. Box 942883****Sacramento, CA 94283-0001**

November 24, 1997

Inmate Lorenzo Arteaga
E-66703
California State Prison, Corcoran
P. O. Box 3476
Corcoran, CA 93212-3476

Dear Inmate Arteaga:

The Governor has asked that I respond to your recent correspondence which you submitted as a notice of "Appellant's Informal Brief." It is not quite clear as to your intent for such notice; however, you convey a case number (97-16705) allegedly filed in the Ninth Circuit United States Court of Appeals.

As stated above relative to the questionable clarity of your intent, I am forwarding your letter to our Legal Affairs Division for their review and information.

I hope this information is of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Dakin".

RICK DAKIN
Facility Captain (A)
Institution Services Unit

cc: Pam Smith-Steward, LAD
George Galaza, COR
Randy Comfort, COR